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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 IN RE: DMCA SECTION 512(H)
SUBPOENA TO GITHUB, INC.

MISC. ACTION NO. 3:23-MC-80164 LJC

**DECLARATION OF EMMA E. SOLDON IN
SUPPORT OF NEXTEER AUTOMOTIVE
CORPORATION'S MOTION FOR
ADMINISTRATIVE RELIEF FOR NON-
DISCLOSURE ORDER**

*[FILED CONCURRENTLY WITH MOTION FOR
ADMINISTRATIVE RELIEF GRANTING
NONDISCLOSURE ORDER; MEMORANDUM
OF POINTS AND AUTHORITIES; AND
[PROPOSED] ORDER GRANTING MOTION
FOR ADMINISTRATIVE RELIEF]*

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**DECLARATION OF EMMA E. SOLDON IN SUPPORT OF NEXTEER AUTOMOTIVE
CORPORATION'S MOTION FOR ADMINISTRATIVE RELIEF FOR NON-DISCLOSURE
ORDER**
Miscellaneous Action No. 3:23-MC-80164 LJC

DECLARATION OF EMMA E. SOLDON

I, Emma E. Soldon, declare as follows:


1. I am an attorney licensed to practice law in the State of California and before this Court. I am an associate at Foley & Lardner LLP, which represents Nexteer Automotive Corporation. I have personal knowledge of the matters set forth in this Declaration and could competently testify to those matters if called upon to do so.

2. On June 13–14, 2023, I exchanged emails with GitHub’s legal staff requesting that GitHub comply with the subpoena without providing advanced notice to the infringer(s). GitHub’s legal team informed me that they will only honor a non-disclosure order from a court, not Nexteer’s request not to disclose.

3. Attached hereto as **Exhibit A** is a true and correct copy of the relevant correspondence.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed June 15, 2023 at San Francisco, California.

By: 

Emma E. Soldon